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Held at the Palais des Nations, Geneva,
on Wednesday, 13 November 1991, at 10 a.m.

Chairman: Mr. VOYAME

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Initial report of the United Kingdom (CAT/C/9/Add.6)

1. At the invitation of the Chairman, Mr. Morris, Mr. Caffrey, and Mrs. Evans (United Kingdom) took places at the Committee table.

2. Mr. MORRIS (United Kingdom) said that, since the submission of the initial report of the United Kingdom (CAT/C/9/Add.6) in March 1991, there had been some significant developments that he wished to mention.

3. His delegation recognized that the Committee might wish to discuss a number of issues in the course of the meeting and it would try to be as informative and helpful as possible. Its comments would, of course, be without prejudice to any formal legal view his Government might have about the scope and interpretation of the Convention.

4. In preparing the initial report, his Government had tried to explain as fully as possible the range of legal provisions and other measures through which the United Kingdom sought to meet its obligations under the Convention. That was not an entirely straightforward task given that the United Kingdom comprised what were in effect three separate jursidictions - England and Wales, Scotland and Northern Ireland. Whatever the differences in the various legal systems, however, the same principles applied in all parts of the country and it was considered essential that the report should set out clearly the arrangements in each one. That had contributed to the delay in the submission of the initial report, for which he apologized to the Committee.

5. The United Kingdom took its obligations under the Convention seriously and continued to pride itself on being a country where the freedoms of the individual were protected. However, United Kingdom Governments had not been complacent about those arrangements and, where it had been found that further measures were needed to improve the protection of rights, legislation and procedures had been revised and amended accordingly. By way of example, he said that a number of specific measures had been adopted which had a close bearing on the concerns of the Committee; some of those measures had been covered in the initial report, while others were more recent.

6. United Kingdom law had always taken a serious view of crimes against the person and those who had committed acts amounting to torture or other forms of ill-treatment were capable of being charged with a range of offences, many carrying heavy sentences. However, the Criminal Justice Act 1988 had added to United Kingdom law by creating a specific offence of torture based on the definition of torture contained in the Convention. The United Kingdom had also ratified the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, which had entered into force at the beginning of February 1989.

7. Another key piece of legislation mentioned frequently in the report was the Police and Criminal Evidence Act 1984, which sought to create a new balance between the powers of the police and the rights of suspects. Its operation had been regularly reviewed and revised since it had been enacted in 1986. It dealt with police powers, the rights of persons in police detention, police discipline and complaints against the police.

8. Under the Act, four codes of practice in connection with police powers of search and seizure of property, detention, treatment, questioning and identification of suspects had also came into force. Failure on the part of an officer to comply with any provision of a code was a disciplinary offence. A code governing the tape-recording of police interviews had also been issued. Recently, all the codes had been reviewed and revised codes had come into force in April 1991, thus strengthening the safeguards of persons in police detention.

9. The Government had recently announced proposals for introducing changes in prisons on the basis of recommendations made by Lord Justice Woolf in a report prepared following serious disturbances in six prisons in England and Wales in 1990. The Government had now published a White Paper setting out a comprehensive and coordinated programme of change and accepting the central proposition of the Woolf report that security and control had to be balanced with justice and humanity. Henceforth, there would be better security and control of prisoners; more purposeful programmes under which prisoners would work towards the cost of their upkeep and be sent out with a better likelihood of contributing to the community; and better relations between staff and prisoners so that trouble could be averted and difficulties resolved.

10. The reforms to which the Government attached particular importance and on which it was taking immediate action were the ending, by late 1994, of the practice of slopping out because of the absence of integral sanitation in cells; a code of standards for accommodation, programmes and facilities to be provided in all prisons; and the appointment of an independent complaints adjudicator by the end of 1992.

11. His country's report referred in a number of places to the Children Act 1989, which had entered into force in October 1991 and constituted the most fundamental twentieth-century reform of United Kingdom legislation relating to the care, protection and upbringing of children. It brought together for the first time both public and private law covering the entire field of care for children and was based on the principle that the welfare of the child must always be the first consideration in decisions by the courts and local authorities. It included new measures to help protect children from abuse and established specific requirements for the setting up of complaints procedures for persons in residential homes and for the monitoring of residential establishments.

12. Terrorism continued to be a real threat in the United Kingdom, as was evident from recent bombing attacks on the Government itself, as well as on passengers at railway stations, and especially in Northern Ireland. While it was still necessary to keep in place exceptional measures contained in the Prevention of Terrorism Act and in the Northern Ireland Emergency Provisions Act, there were valuable safeguards, including the annual debate in Parliament

on the renewal of the measures following an annual review of the legislation by an independent reviewer; regular periodic statutory reviews of a person's detention under the powers of extended detention; and the right to legal advice and to have someone informed of one's arrest. The exercise of those two rights could in no circumstances be delayed for more than 48 hours.

13. All the provisions of the Northern Ireland Emergency Provisions Act had been thoroughly considered by Parliament when it had re-enacted that measure in 1991. Two new safeguards had also been proposed for the questioning of terrorist suspects in Northern Ireland. Conditions of detention were currently regulated by the Code of Conduct of the Royal Ulster Constabulary, the rules being set out in the Northern Ireland "Guide to the Emergency Powers". That Guide was soon to be replaced by a statutory Code of Practice, admissible in civil and criminal proceedings governing the detention, treatment, questioning and identification by police officers of persons detained under the Prevention of Terrorism Act. The Government was also considering the appointment of an independent commissioner to monitor procedures at holding centres, with the remit to visit those centres at any time of his or her choosing. The commissioner's main task would be to ensure that the proper procedures relating to the treatment of terrorist suspects were being followed and, more generally, that the arrangements for the detention of suspects were satisfactory.

14. Mr. BURNS (Country Rapporteur) thanked the United Kingdom delegation for its very full report, which contained information, especially with regard to the treatment of children and the treatment of persons detained under mental health legislation, that had never been offered in any other report the Committee had had to consider over the past four years. He would first ask a few general questions and then raise some specific points relating to Northern Ireland, since the report showed that there was a marked difference between the regime applied in England, Scotland and Wales and that applied in Northern Ireland.

15. Paragraph 7 of the report stated that confessions made by an accused person could not be given in evidence against him if they had been obtained by "oppression". What precisely was meant by that term? While oppression would no doubt include torture, inhuman or degrading treatment or the use of or threat of violence, he suspected that its scope might be even wider. He would also like to know where that prohibition was enshrined in United Kingdom legislation and whether it was part of common law or statutory law. Paragraph 13 stated that torture had been made an offence under section 134 of the Criminal Justice Act 1988. What was the penalty imposed for that offence and was the definition of torture in the Act couched in terms identical to the definition contained in the Convention?

16. As to extradition and return, he was not sure whether the grounds for refusal set out in paragraphs 18 and 19 were sufficient to meet all the obligations the United Kingdom had assumed under article 3 of the Convention. Thus, paragraph 19 (c) stated that an order for return might be refused if the accusation was not made "in good faith". What would be the situation if a country which did not conform to the same standards as States parties to the Convention made an order for return in what it considered to be good faith? The phrase "in the interests of justice" in the same paragraph also seemed to

imply that the person concerned might well be convicted and might well suffer inhuman treatment or torture if returned. Under the Convention, the United Kingdom had a formal obligation not to return such a person, but the paragraph implied that the regime might allow the possibility of such returns. It should be noted that, under the Convention, States parties were not allowed any discretion in that regard.

17. Paragraphs 25 to 27 of the report gave fairly detailed information on the Immigration Rules; however, he pointed out that the question of what did or did not constitute refugee status was not relevant to the obligations contained in article 3 of the Convention. Paragraph 26 stated that any claim of likely torture on return to another country would be assessed in relation to the "possible use of exceptional leave". He would appreciate an explanation of the meaning of that term.

18. Where article 6 was concerned, he had been struck by the marked difference between the regime of England, Wales and Scotland and the regime of Northern Ireland with regard to the detention for purposes of questioning of persons suspected of a serious crime. Under the former regime, for example, it was accepted that the detained person had a right to access to a solicitor, but the regime in Northern Ireland was clearly quite different both in law and in practice. The procedures for the questioning of suspects, at least in England, Scotland and Wales, appeared to be fully in keeping with the Convention and he welcomed the commitment of the United Kingdom Government to international cooperation and mutual assistance as indicated in paragraph 58.

19. With regard to article 10, paragraph 60 referred to training programmes for law enforcement personnel involved in the custody, questioning or treatment of arrested persons. However, it had been pointed out by the Howard League for Penal Reform that no formal instruction was given to such personnel in respect of their international obligations in that regard. Paragraph 61 stated that no formal training was given to health care professionals in the identification of signs of torture: that seemed to him a very weak attitude in so far as meeting the requirements of the Convention was concerned. He would have hoped that at least some attempt would have been made to train health care professionals to recognize such signs.

20. He had read with great alarm the statement in paragraph 73 that the Government was currently considering what amendments might be made to the rules governing the right of silence in England and Wales. Under the rules that now operated, if an accused person declined to make a statement, whether exculpatory or inculpatory, that refusal could not be commented on in a subsequent criminal trial. However, in Northern Ireland, a different set of rules applied to the interrogation of persons suspected of terrorism and there was in effect no right of silence. He took it that the statement in paragraph 73 implied that the Government was considering extending the regime operating in Northern Ireland to the rest of the United Kingdom. He hoped that that was not, in fact, the case.

21. The report did not give any details on how offences committed by members of the armed forces were dealt with, either in a disciplinary sense or otherwise. In some countries, the armed forces were notorious for being guilty of such offences, but he believed that that was not the situation in

the United Kingdom and that could well be the reason why no mention had been made of it in the report. He would nevertheless appreciate some further information on that point.

22. On the subject of immigration, paragraph 75 stated that interview rules and other procedures were reviewed regularly. However, at least one non-governmental organization had indicated to the Committee that it was concerned at the way decisions on refugee status were taken in the United Kingdom. In two specific instances, one involving nationals of Zaire and the other nationals of Sri Lanka, persons had been returned to their country of origin when there had been a real threat that they might be subjected to cruel or inhuman treatment or even torture. In the case of the Sri Lankans, an internal review had concluded that they did in fact qualify for refugee status, but the decision to return them had been taken before the review had been completed. Could the United Kingdom delegation tell the Committee how such reviews were actually carried out and how much education was given to immigration officers regarding the United Kingdom's obligations under the Convention? Was the Government making any real attempt to ensure that immigration officers were made aware of those obligations?

23. In connection with article 12, paragraph 77 stated that, in England and Wales, anyone who alleged that he had been the subject of torture could go to the police with a complaint. It then added, somewhat laconically, that "broadly comparable" provision and practice existed in Scotland and Northern Ireland. Could the United Kingdom delegation provide statistics on how many such complaints had been made and whether they had been successful? Were such statistics readily available and were they published, for example, in the annual Home Office Report? Unfortunately, where investigations into complaints were carried out by the police themselves, it was difficult to ensure impartiality even in the most civilized societies and, in a situation such as that of Northern Ireland, that problem was greatly exacerbated.

24. Information supplied to the Committee by the Howard League for Penal Reform showed that, whereas in 1980 there had been 21 suicides among persons in detention, in 1990 there had been 51, an increase of 100 per cent in a decade. He took it that those figures referred to England and Wales. The League had suggested that the suicidal tendencies shown by persons incarcerated were often not taken seriously and that detention in strip cells would have the effect of exacerbating such tendencies. Were those statistics in fact accurate and, if so, were they a source of concern to the Home Office?

25. He complimented the United Kingdom representatives on the very full account given of the conditions governing detention under mental health legislation, although he had been alarmed to read in paragraph 87 that electro-convulsive therapy could still be administered, either with the patient's consent or with a second medical opinion.

26. As far as article 14 was concerned, the report indicated that the United Kingdom had probably the best compensation system anywhere in the world, taking into account the combined effect of the Criminal Justice Act 1988 and the powers of the Criminal Injuries Compensation Board. The Government was to be commended on introducing that system so early and on

continuing to apply it. He noted from paragraph 119 of the report that the network of support schemes for victims of crime was extremely extensive and the Government was to be complimented on that as well.

27. With regard to article 15 of the Convention, he would again appreciate an explanation of the meaning of the term "oppression" used in paragraph 121. He would also like to know why that paragraph referred only to confessions, whereas the scope of article 15 was wider and covered statements in general.

28. Referring specifically to Northern Ireland, he acknowledged the assistance he had received from several non-governmental organizations, including Amnesty International and the Committee on the Administration of Justice, as well as from a lawyer who had been actively involved in defending several persons subject to detention in Northern Ireland and from articles and letters in the press, specifically the Guardian.

29. He requested the United Kingdom delegation to explain how certain features of the provisions relating to the detection of terrorist activities in Northern Ireland were applied in the light of obligations under the Convention, which did not allow derogations from its provisions even in times of emergency. In Northern Ireland, unlike the rest of the United Kingdom, a person might be held by the police under the Prevention of Terrorism Act for an initial period of 48 hours, which could be extended for a further five days on application to the Secretary of State for Northern Ireland, before he was brought before a judge. A person could thus be held by the police for questioning without charge for a total period of seven days. Since it had been observed in countries where torture was prevalent that instances of torture tended to occur within the first 48 hours of incarceration, the seven-day period might be regarded as a matter of concern to the Committee. Under the existing legislative regime, moreover, detainees did not have access to legal counsel during the first 48 hours and could effectively be held incommunicado, thereby creating conditions which might lead to abuses of authority by agents of the State. Although provision was made for State-paid doctors to examine detainees, the latter had no right to obtain independent medical advice during the period in question.

30. In addition, the special rules relating to silence and confession and the absence of the traditional British constitutional protection of trial by peers, which had been replaced by the Diplock court system of trial by judge alone, meant that the ordinary protection enjoyed by citizens in the rest of the United Kingdom was not available to persons charged with or suspected of offences of terrorism in Northern Ireland. Such a lack of legal protection was to be noted, particularly when the purpose of detention incommunicado and the intensive 48-hour period of investigation appeared to be to extract an admission from the accused. In that connection, he had been interested to learn from the information he had received that 90 per cent of the cases brought before the Diplock courts relied solely or mainly on confession evidence. Such a situation would, in his view, inevitably put interrogators under great pressure to obtain confessions and would, by implication, create a significant opportunity for conduct which came within the purview of the Committee. He pointed out that a large number of allegations had been brought to his attention concerning ill-treatment in terms of the application to persons under interrogation of varying degrees of physical force.

31. He also noted that there was official resistance to video recordings of interrogation and he had been surprised that the rationale offered by a senior officer of the State for such resistance was that, if recordings were made, those willing to give information would fear that their own organizations might find out about it. Such an observation was, however, equally true if the person made a verbal or written statement. Moreover, the general conclusion might be that opposition to video recordings of interrogation was prompted by fears that they would reveal that many of the allegations were in fact substantiated.

32. A letter from the Chief Constable of the Royal Ulster Constabulary to the editor of the Guardian on 31 October 1991 stated, in the defence of officers against whom allegations of ill-treatment had been made in a report by the newspaper, that there had been 222 complaints in respect of Castlereagh in 1989, none of which had been substantiated, and that there had been 223 in 1990, none of which had been substantiated. The letter further stated that, in all cases, the completed investigation had been examined by the Independent Commission for Police Complaints. He requested information on that Commission and asked whether any settlements had been made on behalf of the Government with complainants in respect of ill-treatment at the hands of interrogating officers, particularly at Castlereagh.

33. He also expressed concern at the fact that the letter from the Chief Constable of the Royal Ulster Constabulary contained the rationale that, while upholding the rights of persons in custody, it was important not to lose sight of the right of the majority to be protected from murder, maiming and bombing. The inference he drew from such a statement was that, where there was a potential for murder, maimimg and bombing, the rights of persons in custody could be overriden. The United Kingdom had nevertheless voluntarily undertaken to fulfil the obligations established in the Convention and, consequently, whatever protection it provided for the potential victims of such crimes, it could not derogate from those obligations.

34. He drew attention to the case of an application for a writ of habeas corpus made on behalf of Brian Gillen, who had been held under security legislation. The judge, in determining prima facie the allegations made by Mr. Gillen, had had to decide whether or not habeas corpus was warranted. Mr. Gillen had alleged physical ill-treatment during interrogation at Castlereagh and a writ of habeas corpus had been issued. The account of the judgement and the information collected by Amnesty International and other bodies suggested that there was reason to find in a preliminary hearing that there was indeed a prima facie case. In the light of that case, he therefore requested the United Kingdom delegation to comment on the regime which existed in Northern Ireland, particularly in relation to the strong allegations made in connection with interrogation at Castlereagh. He hoped that the delegation would be able to reassure the Committee that the United Kingdom Government did not intend to extend the rules relating to the right of silence in Northern Ireland to the rest of the country and that the current regime did not violate the terms of the Convention or, alternatively, that whatever changes might be required would be made in order to ensure that the provisions of the Convention were complied with in relation to Northern Ireland.

35. The CHAIRMAN, speaking as alternate country rapporteur, thanked the United Kingdom delegation for its very full report, as well as the organizations which had provided additional information. He endorsed the questions which had been put by Mr. Burns, the country rapporteur.

36. Referring to article 2 of the Convention and paragraphs 13 to 15 of the United Kingdom report, he said that, although the relevant legislative and judicial measures had been clearly indicated, he would welcome further information on relevant administrative measures. He also asked about the meaning of the term "assault" in Scots law, as used in paragraph 13, and whether it included torture and other ill-treatment with which the Convention was concerned.

37. With regard to article 5, paragraph 2, and article 7, paragraph 1, of the Convention, he requested information on the application of provisions relating to the non-extradition of a person who had committed an act of torture and the trial of such a person within the country.

38. Like Mr. Burns, he had been surprised by the contents of paragraph 61 of the report. Even in a situation where there were no identified instances of torture, he did not think it could be concluded that it was unnecessary to provide training to health care and other professionals. The statement made in paragraph 61 seemed to be rather categorical in the light of decisions taken by the European Court of Human Rights in the 1980s and the many allegations of inhuman and cruel treatment in respect of Northern Ireland.

39. Referring to article 11 of the Convention, he requested further information on day-to-day monitoring of the implementation of legislation.

40. With regard to Northern Ireland, he asked whether, in view of the prima facie case in relation to Mr. Gillen, any legal or disciplinary action had been taken against the alleged perpetrators of the ill-treatment and whether the victim had been awarded compensation.

41. Mr. SORENSEN, referring to paragraph 3 of the report and the visit of the Council of Europe committee, of which he had been a member, to the United Kingdom in 1990, said that the report of that committee had been submitted to the United Kingdom Government in spring 1990. The report would remain confidential unless the United Kingdom authorities decided to publish it and he expressed the hope that they would decide to do so.

42. Mr. KHITRIN said that the fact that the report did not contain the national legislation which had a direct bearing on the implementation of the Convention detracted from its quality. Did the legislation guarantee the prohibition and elimination of torture as defined in the Convention? In that connection, he wished to have the full text of section 134 of the Criminal Justice Act 1988.

43. With regard to article 2 of the Convention, he asked what measures had been taken to prevent acts of torture being committed within the jurisdiction of the United Kingdom, in particular in Northern Ireland. What officials were entitled to make arrests and what were the guarantees of an arrested person in custody? He also requested further clarification of the rules governing the right to silence.

44. Referring to article 4 of the Convention, he asked how ill-treatment of a detainee by a police officer was described, what the relevant punishment was and what material and moral compensation was available to the victim.

45. In connection with article 7 of the Convention, he asked whether there had been any cases when criminals were not extradited by the United Kingdom and, if so, what measures the United Kingdom had taken against the persons concerned.

46. It was encouraging to learn from paragraph 61 of the report that there had been no identified instances of torture in any United Kingdom establishment and that no formal training therefore had to be afforded health care professionals in the identification of signs of torture. He nevertheless believed that the educational materials provided for law enforcement officials should refer to the prohibition of torture.

47. He had received material from Amnesty International which he would transmit to the secretariat and he requested the delegation of the United Kingdom to comment on that material at the following meeting if possible.

48. The information given in the report on article 11 was not detailed enough. He wished to know how the United Nations Standard Minimum Rules for the Treatment of Prisoners were implemented in the United Kingdom, what sanitary standards were like and what other standards were applied to persons who were in custody or had been convicted.

49. Ms. CHANET said that, since the United Kingdom had no written constitution or bill of rights, treaty monitoring bodies had difficulties in finding out what administrative and legal measures were taken to implement international conventions. Moreover, such conventions were not directly applicable in United Kingdom law. She too would have liked the United Kingdom report to go into greater detail on the legislation which made it possible to implement the provisions of the Convention.

50. She asked whether the Convention applied to dependent territories of the United Kingdom including Hong Kong and whether any relevant declaration had been made in that regard.

51. It was sometimes difficult to understand how the regime concerning questioning during detention applied in the different parts of the United Kingdom. The report stated in several places that the regime was broadly the same in all parts of the country, but it was clear that it was different in Northern Ireland.

52. Perhaps the United Kingdom delegation could inform the Committee why the report said nothing about article 1 of the Convention.

53. Like other members of the Committee, she would be interested to see the text of section 134 of the Criminal Justice Act 1988, which might answer some questions concerning articles 1 and 4 of the Convention. She had been unable to understand from paragraph 34 of the report what acts constituted the

offence of torture under the relevant United Kingdom legislation or from paragraph 6 what constituted assault and whether the definitions corresponded to those of international law.

54. Concerning article 3 of the Convention, paragraph 25 of the report referred to the provisions of the 1951 Convention relating to the Status of Refugees and stated that "no one is deported or removed to a country in which he would have a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion'". However, a person could well not be persecuted for those reasons and still risk being tortured. The Convention against Torture and the 1951 Convention did not overlap. Perhaps the delegation could specify how the United Kingdom implemented article 3 of the Convention and whether the statement in paragraph 20 of the report that "This discretion is exercised in accordance with the requirements of article 3", relating to extradition, also covered expulsion and refoulement.

55. The text of section 134 of the Criminal Justice Act 1988 was also necessary as far as articles 5 and 7 of the Convention were concerned, since it contained provisions on the jurisdiction of the courts. In that connection, she wished to know whether an alien who had committed an act of torture abroad against another alien and had been arrested in the United Kingdom could be tried in the United Kingdom if he was not extradited and, if so, whether the same was true in Northern Ireland.

56. Turning to article 11 of the Convention and the specific powers of detention for up to seven days held by the police in Northern Ireland, she said that she believed that, following a case brought before the European Court of Human Rights, the United Kingdom had exercised its powers of derogation. However, there were risks in the fact that detainees in Northern Ireland did not have immediate access to a lawyer and that there was no provision for a visit by an independent doctor. That those risks existed was borne out by the number of complaints concerning ill-treatment in conditions of solitary confinement designed to extract confessions in Northern Ireland, a part of the United Kingdom where exceptional legislation restricted the safeguards provided for in article 11 and where the usual traditions of the United Kingdom did not obtain. She asked for a frank statement by the United Kingdom delegation on that point.

57. Referring to article 12 of the Convention relating to investigations, she asked for clarification of the statement in paragraph 77 of the report that the provision and practice in Scotland and Northern Ireland were "broadly comparable" with those elsewhere in the United Kingdom and whether complaints against the police were dealt with by the police or by another authority.

58. She asked whether statements by witnesses that had been extorted by force were withdrawn from the record as required by article 15 of the Convention. From section 8 of the Northern Ireland (Temporary Provisions) Act 1978, it seemed that article 15 of the Convention did apply in Northern Ireland, but she wondered whether cruel, inhuman and degrading treatment was also covered by that section.

59. With respect to article 16, she said that she believed that corporal punishment for children in schools was now prohibited in the United Kingdom, but would welcome confirmation of that fact. She also wished to know whether the position was the same throughout the United Kingdom.

60. She wondered whether the use of strip cells to house suicidal prisoners was psychologically the best way of preventing suicide.

61. To end on a positive note, she said that she considered the provisions for the treatment of the mentally ill in the United Kingdom to be some of the best in Europe.

62. Mr. GIL LAVEDRA said that he associated himself with the comments and questions by the country rapporteur and the alternate country rapporteur and that the report contained extremely detailed and valuable information about points which were important, but might be of secondary interest, such as mental health or child care, while, in other more crucial areas, it was vague and general.

63. Section 134 of the Criminal Justice Act 1988 was clearly vital in prohibiting torture and in making acts of torture punishable under criminal law. It was therefore a matter of regret that the text of section 134 was not included in the report.

64. According to paragraph 33 of the report, in cases of serious assaults involving members of the armed forces, "the Chief Officer of Police for the area ... would - in consultation with the appropriate commanding officer - decide whether jurisdiction was to be exercised by the Service or by the civilian authorities. In general, offences, solely involving assaults, etc. on civilians would be tried by the civilian authorities and cases solely involving assaults on servicemen would be tried by the Service authorities". He asked what was meant by the words "In general" and requested further clarification on how the decision concerning jurisdiction was actually taken.

65. With regard to article 5 of the Convention, he asked what the actual provisions of section 134 were whereby United Kingdom jurisdiction was established over the offences referred to in article 4 of the Convention, as required by article 5, and further noted from paragraph 39 that the provisions of United Kingdom law did not seem to meet the requirements of article 5, as that paragraph appeared to indicate that jurisdiction was restricted and made no specific mention of jurisdiction over the crime of torture.

66. He endorsed the questions put by Mr. Burns and Ms. Chanet on the system of detention in Northern Ireland and pointed out that the length of time during which persons could be held without trial was certain to give rise to problems, despite the provision for the medical examination of detainees.

67. Mr. DIPANDA MOUELLE expressed his appreciation both for the initial report of the United Kingdom and for the oral introduction by the United Kingdom representative. Although most of his concerns had already been expressed by other members of the Committee, he requested further information on the independent advisers referred to in paragraph 23 of the report dealing with the provision, under Schedule 2 to the Prevention of Terrorism (Temporary

Provisions) Act 1989, for an excluded person to make representations against his or her exclusion. In connection with the information provided on articles 12 and 13 of the Convention, he asked whether prison warders were armed and what procedure was followed in the event of a serious incident, such as a prison riot. With regard to article 14, he wished to know whether the State was directly responsible for compensating a victim of torture if the torturer was insolvent. In his view, the State should be responsible in all cases.

68. Mr. MIKHAILOV thanked the United Kingdom delegation for submitting an extensive report which went into great detail in certain areas. Paragraph 4 of the report mentioned section 134 of the Criminal Justice Act 1988 and he requested a copy of the text of that section, which was clearly a key provision in efforts to combat torture. Paragraph 18 stated that, under section 6 of the Extradition Act 1989, a person could not be extradited if he had been accused or convicted of an offence of a political nature. He asked whether any distinction was made in such cases between the jurisdiction of the Secretary of State and a court, as the information given in paragraph 18 appeared to indicate that both were responsible for taking the relevant decisions.

69. He was somewhat surprised by the amount of power, as far as sentencing was concerned, that was vested in the Sheriff Court, which was mentioned in paragraph 29 and could impose a maximum sentence of three years, and he asked whether there was any form of judicial supervision of the Sheriff Court.

70. The information on the Mental Health Act Commission contained in paragraph 94, indicated that it was an independent statutory body appointed by the Secretary of State. He asked whether it was an administrative or a judicial commission, what its exact functions were and whether it was subject to judicial supervision. He also noted from paragraph 161 of the report that an employer, which he took to mean a private individual or an administrative body, was entrusted with the important task of investigating cases of suspected child abuse and with informing the police. He asked for details of the employer's responsibility in that regard, since the report did not make it clear whether administrative bodies took precedence over judicial bodies, and exactly what role was played by the Crown Prosecution Service in combating torture.

71. Mr. PERLAS thanked the United Kingdom delegation for its detailed report and introduction, which, in conjunction with the questions already put by the other members of the Committee, allowed him to refer only to a few points relating to the Mental Health Act. He had noted that suicidal or depressed prisoners were confined in strip cells in order to prevent them from harming themselves. He wished to know whether they were also referred to a psychiatric institution in order to receive treatment for their mental condition and whether the Mental Health Act Commission was responsible for monitoring the mental health of prisoners, as well as that of detained patients. He asked whether the Criminal Procedure (Insanity) Act 1964, which was referred to in paragraph 90 and under which a person charged with an offence and found unfit to plead to the charge, or not guilty of an offence by reason of insanity, must be admitted to a hospital, might not mean that the person would serve a longer sentence than would have been the case if

he had been sentenced under normal criminal procedure, as had sometimes happened in the United States of America.

72. The CHAIRMAN informed the Committee that a supplementary report describing the position in the United Kingdom's dependent territories would be submitted at a later date.

The meeting was suspended at 12 p.m. and resumed at 12 15 p.m.

Initial report of Belize (CAT/C/5/Add.25)

73. The CHAIRMAN said that, although Belize had submitted an admittedly succinct report and had been invited to send a delegation to present the report to the Committee, no delegation was present in Geneva. Because of the country's size, it was possible that it might not be able to send a delegation. In his view, however, the report should not be considered until Belize had been informed that the Committee preferred not to examine a report in the absence of a delegation. He suggested that consideration of the report of Belize should be postponed until the Committee's next session, to which the Government of Belize should be invited to send a delegation, and that it should be informed that the report would be examined at that session even if a delegation was not present.

74. Mr. PERLAS (Country Rapporteur), supported by Mr. BURNS (Alternate Country Rapporteur), said that he agreed with the Chairman's suggestion.

75. Mr. GIL LAVEDRA said that he also agreed with the Chairman's suggestion, but considered that, because the report was so brief, it was not in keeping with the Committee's guidelines. He suggested that the Committee should take the present opportunity to send Belize a copy of the Committee's general guidelines regarding the form and contents of initial reports, together with a number of sample reports. Belize could thus be invited to submit an additional report which would enable the Committee to consider the situation in Belize properly at its next session.

76. Mr. SORENSEN said that he endorsed Mr. Gil Lavedra's suggestion and drew attention to the fact that the report of Belize was described as "A Note". In its letter to Belize, the Committee might say that it had placed Belize's note on record, and looked forward to receiving an additional report before its next session.

77. Mr. MIKHA'ILOV suggested that the country rapporteur and the alternate country rapporteur should send Belize a list of questions based on the report before the Committee in order to make it easier for Belize to prepare the additional report.

78. The CHAIRMAN said that that suggestion might not be practical because the report was so brief. It would be preferable for the Committee simply to send Belize a copy of its guidelines, together with a number of sample reports.

79. It was so decided.

The meeting rose at 12.25 p.m.